



(Ireland.)

A

B I L L

For the better Regulation of the Office of Sheriffs of Counties in Ireland.

[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY it is expedient to provide for the better Regulation of the Office, and of the Fees and Emoluments, of Sheriffs of Counties in Ireland, and also for the more speedy and effectual execution of certain duties of such Sheriffs; **BE** it therefore enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the

in the place and stead of the oath of office prescribed by an Act made in the Parliament of Ireland in the twelfth year of the reign of his late Majesty King GEORGE the First, intituled, "An Act for the better Regulating the Office of Sheriffs, and ascertaining their Fees, and the Fees for suing out their Patents and passing their Accounts," and by an Act of the Parliament of Ireland, passed in the twenty-fifth year of the reign of King GEORGE the Third, for amending the said Act, or by any other Act or Acts in force regulating or relating to the office of Sheriffs of counties in Ireland, the High Sheriff of each county in Ireland shall, previously to his entering upon the duties of his office, take and subscribe the Oath following; (that is to say)

Preamble:
Expedient to regulate the Office of Sheriffs in Ireland.

1.
Oath of Office to be taken by High Sheriffs of Counties in Ireland.

See Irish Acts:
15 G. 1. c. 4.
s. 38.
25 G. 3. c. 35.

"I, A. B., do swear, That I will well and truly serve the Queen's Majesty in the office of Sheriff of the county of
and in all acts by me to be performed in discharge of the duties of my office I will have due regard to the rights and interests

of Her Majesty, so far as legally I may ; That I will, to the
 best of my skill and knowledge, truly preserve the Queen's
 rights, and all that belongeth to the Crown ; That I will not
 respite or delay to levy the Queen's debts, for any gift,
 promise, reward or favour ; I will do right, as well to poor as
 rich, in all things belonging to my office ; I will do no wrong
 to any man, for any gift, reward or promise, and I will not,
 for favour, hatred or malice, disturb any man's right ; That I
 will truly and faithfully acquit at the Exchequer all those of
 whom I shall receive any debts or duties belonging to the
 Crown ; I will not receive or take by any colour, means or
 device whatsoever, or consent to, or connive at, the taking of
 any manner of fee or reward of any person or persons, for the
 impannelling or returning of any inquest jury or tales, in any
 court of record, for the Queen, or between party and party,
 except such fees as are or shall be allowed and appointed for
 the same by the laws and statutes of this realm, but will,
 according to my power, truly and impartially with convenient
 speed impanel all jurors, and return all and every such writ
 or writs touching the same as shall belong to the duty of my
 office to do ; I will, according to the best of my skill and
 judgment, execute, or cause to be executed, all executions,
 writs, processes, orders or warrants, which shall hereafter
 come into my hands to be lodged in my office, and make or
 cause to be made speedy, and to the best of my knowledge
 and judgment, true and proper returns to such of them as
 may be by law returnable to the courts from whence they
 respectively issue ; I will take, or cause to be taken, all
 inquisitions fairly and openly, giving such notice as the law
 requires, and will duly return such inquisitions ; I will not
 omit or delay or decline doing any part of the duty of my
 office, by reason of any reward or gratuity, or promise or
 expectation of any reward or gratuity ; I will not take, receive
 or demand any fee, reward or gratuity whatsoever, but such
 as I am or shall be entitled to receive by the laws and statutes
 of this realm : And I further swear, That I have not sold or
 let to farm, nor contracted for, nor have I granted or promised
 for or in consideration of any reward or benefit, paid or given,
 or to be paid or given, either to myself or any other person
 with my privy ; nor will I sell or let to farm, or contract for
 or grant, for or in consideration of any such reward or benefit
 as aforesaid, by myself or any other person for me, or for
 my use directly or indirectly, my bailwick, or any office
 belonging thereto ; I will truly and diligently execute the laws
 and statutes of this realm, and in all things well and truly
 behave

behave myself in my office, and discharge the same according to the best of my skill and power.

" So help me GOD."

And be it Enacted, That no person shall act as Under Sheriff for or in any county in Ireland, without a deputation under the hand and seal of the High Sheriff of such county; and that in place and stead of the oath prescribed to be taken by such Under Sheriff by the said Acts made in the twelfth year of the reign of King GEORGE the First, and in the twenty-fifth year of King GEORGE the Third, or any other Act or Acts in force, every such Under Sheriff, previously to his entering upon the duties of his office, shall take and subscribe the Oath hereinafter set forth; and if any person shall act as Under Sheriff of any county in Ireland without such deputation as aforesaid, or before he shall have taken such oath as hereinafter set forth, every person so offending shall forfeit for each and every act done by him as such Under Sheriff, the sum of the same to be recovered by action of debt (in which no wager of law shall be allowed), or by an action on the case, at the suit of any person who will sue for the same in any of Her Majesty's superior courts of record in Dublin, and shall be for ever disqualified from acting as Under Sheriff in any county in Ireland.

2.
Under Sher-
iffs of Coun-
ties shall take
Oath of Office
before enter-
ing upon
office.

And be it Enacted, That the Oath to be taken by every such Under Sheriff shall be in the words following:

3.
Form of the
Oath of Office
of Under
Sheriff.

" I, A. B. do swear, That I will well and truly serve the Queen's Majesty in the office of Under Sheriff of the county of and in all acts to be by me performed in discharge of the duties of my office I will have due regard to the rights and interests of Her Majesty, so far as legally I may; I will to the best of my skill and knowledge preserve the Queen's rights and all that belongs to the Crown; I will not respite or delay to levy the Queen's debts, or the debt of any of Her subjects, for any gift, promise, reward or favour; I will disturb no man's right, and will truly and faithfully acquit at the Exchequer all those of whom I shall receive any debts, duties or sums of money belonging to the Crown; I will take nothing whereby the Queen may lose, or whereby Her right may be disturbed, injured or delayed; I have not bought, purchased or taken to farm, or contracted for, nor have I promised or given any consideration, nor will I buy, purchase or take to farm, or contract for or promise or give any consideration whatever, by myself or any other person, directly or indirectly, to any person or persons whatsoever, for the office of Under Sheriff or the county

of which I am now to
 enter upon and enjoy, nor for the profits of the same,
 or any part of such profits, nor for any office or place
 belonging thereto; nor have I entered into any contract
 or agreement, either expressly mentioned or understood,
 with any person whatsoever, for sharing or dividing with
 any person, or permitting any person to participate in the
 fees, advantages or emoluments of the said office; I have
 not sold or contracted for, or let to farm, nor have I granted
 or promised, nor will I grant for reward or benefit, by
 myself or any other person for me or for my use, directly
 or indirectly, in any degree or to any extent whatsoever, any
 place or office belonging to my said office; I will execute the
 said office in person, and all the fees and perquisites, benefits
 and advantages, of what nature and kind soever, belonging
 to the said office, shall be taken to my own use, benefit and
 advantage; I will, whilst I continue in the said office, execute
 according to the best of my skill and judgment all writs,
 processes, orders and warrants which shall come to my
 hands, or be lodged in the Sheriff's office, and make speedy
 and to the best of my judgment true, proper and faithful
 returns to such of them as shall be by law returnable into any
 court; and I will not forbear, postpone or delay the execution
 or return of any writ or process which shall come to my
 hands, or be lodged in the Sheriff's office, for any gratuity,
 reward or other consideration whatsoever; I will take or
 cause to be taken all inquisitions fairly and openly, giving
 such notice as the law requires to such persons as are
 or may be parties to such suits, or their attorneys, and I will
 duly return such inquisitions; I will impanel and return all
 jurors and tales jurors without partiality or favour, and not
 at the instance, nomination, suggestion or direction of any of
 the parties concerned, or any person on behalf of any of
 them, but will to the best of my ability do equal right to all
 parties; and I will not remit or delay or decline doing any
 part of the duty of my office, by reason of any reward or
 gratuity, or promise or expectation of any reward or gratuity,
 or other benefit or advantage; I will not take, receive or
 demand, or knowingly permit or suffer any person in my
 office to take, receive or demand any fee whatsoever, but
 such as may be legally demanded and received; and if it
 shall come to my knowledge that any fee or other gratuity,
 or reward, other than such fees as may legally be demanded,
 shall have been taken, demanded, received, or agreed or
 stipulated for by any clerk or other person employed or
 concerned in or about the said office, I will forthwith dismis-
 such

such person from any said office; I will not, during the time I shall be in office as Under Sheriff of the said county of _____ in any manner act as land agent to, any person or persons, or as an attorney or solicitor, either in my own name or that of any other person or persons, or have any partnership with any person so acting, or derive any emoluments from carrying on of any such agency or any business of an attorney or solicitor.

"So help me GOD."

10 And be it Enacted, That the said oaths respectively shall be administered to every such Sheriff and Under Sheriff by the Barons of Her Majesty's Court of Exchequer in Ireland, or by the Judges of the Court of Queen's Bench or Common Pleas, or one of them, or by any person duly authorized to take affidavits for any of said Courts.

4.
Oaths shall be administered to Sheriffs by any Baron or Judge.
25 G. 3. c. 36.
(1.) § 1.

15 And be it further Enacted, That so much of an Act passed in the Parliament of Ireland in the first year of the reign of King GEORGE the Second, intituled, "An Act for regulating the Admission of Barristers-at-Law, Six Clerks and Attorneys, and of all other Persons, into Offices and Employments, and for preventing Papists practising as Solicitors, and for further strengthening the Protestant Interest in this Kingdom," as provides that no person shall be capable of acting as Sub-Sheriff or Sheriffs' Clerk, who shall not have been a Protestant for five years immediately before such his acting, according to the intent and meaning of the said Act, shall be Repealed; and that so much and such parts of an Act passed in the Parliament of Ireland in the eleventh year of the reign of Queen ANNE, intituled, "An Act for explaining and amending several Statutes for prohibiting Under Sheriffs and Sheriffs' Clerks from officiating as Sub-Sheriffs or Sheriffs' Clerks more than One Year," and of the several Acts therein recited or referred to; and also so much of an Act passed in the Parliament of Ireland in the twenty-ninth year of the reign of King GEORGE the Second, for supplying the defects of the said Act passed in the eleventh year of the reign of Queen ANNE, as in any way relates to such Under Sheriffs, Sheriffs' Clerks or County Clerks in any county in Ireland, shall be and the same are hereby Repealed.

5.
Repeal of 1 Geo. 2. (1.) c. 20. § 4. requiring Sub-Sheriff, &c. to be Protestants.

Repeal of so much of 11 Anno (1.) c. 8. and 20 Geo. 2. (1.) c. 15. as relates to Under Sheriffs, &c. of Counties holding offices more than one year.

And be it Enacted, That in some one Assize Town in every county in Ireland an office shall be provided at the expense of such county, to be defrayed by presentments, in like manner as other grand jury presentments; and at such office daily attendance shall be given by the Sheriff of such county or his Under Sheriff, or by a clerk or clerks authorized by such Sheriff, from the hour of Ten of the clock in the forenoon until the hour of Four of the clock in the afternoon of every day, except Christmas-day, Good Friday and Sundays, for the purpose

6.
Sheriff's Office shall be kept in some Assize Town.

Penalty on
neglect.

of dispatching the business pertaining to the office of such Sheriff; and in case any Sheriff shall omit or neglect to give or cause to be given as aforesaid such daily attendance during the hours herein prescribed, such Sheriff, on proof thereof made by affidavit or other legal evidence, on summary application by motion by any person to any of Her Majesty's superior courts of record in Dublin, shall and may by such court be fined, according to the discretion of such court, in any sum not exceeding

7.
Books shall be
kept by Sher-
riff, Under-
Sheriff and
returning
Officers, for
entry of all
Writs re-
ceived by
them.

And be it Enacted, That every Sheriff and Under Sheriff shall keep a book in which shall be entered and specified the names of all the parties, plaintiffs and defendants, the nature of the writ, the court from which the same shall have issued, the costs and return thereof, the amount for which such writ shall be marked (if the suit shall be for money), the day and hour when such writ was received by or lodged with such Sheriff or his Under Sheriff, or in his office, the time and mode of the execution of such writ, and if not executed, the reason of the non-execution thereof, the return made thereon, and the particulars and total amount of fees received on such writ; and that within *Four Days* after the first sitting day of every term, every Sheriff shall cause a copy, subscribed by himself, of all entries in such book or books, containing such particulars as herein stated, respecting all writs received by such Sheriff or his Under Sheriff, or in his office, which shall have been returnable between the first sitting day of the next preceding term and the first sitting day of the then term, with an affidavit made by such Sheriff or Under Sheriff at the foot of or annexed to such copy, verifying the same and the truth of all the entries therein contained (which affidavit shall be sworn before any commissioner or other officer authorized to take affidavits by any of the superior courts of record in Dublin), to be deposited in the office of the Prothonotary of Her Majesty's Court of Queen's Bench in Ireland; and in case any Sheriff or Under Sheriff shall omit or neglect to keep such book or to make therein all or any of the entries hereby directed, or to deposit such copies of the entries therein, so verified as aforesaid, in the office of the said Prothonotary at the times or in the manner hereby prescribed, or shall knowingly insert or make in such book any false entry or statement of any matter or thing hereby required to be inserted therein, such Sheriff or Under Sheriff, on proof thereof made, shall, on a summary application by motion to any of Her Majesty's superior courts of record in Dublin, be liable to be fined by such court, at the discretion of such court, in any sum not exceeding

Sworn Copies
of Entries in
such Books
shall be
deposited
within the
first four
days of every
Term in the
Office of the
Prothonotary
of Queen's
Bench.

8.
Particulars in
Writs may
have Copies of
Entries.

And be it Enacted, That the returns which shall be so made to the Prothonotary of the said Court of Queen's Bench shall be kept among the records of the said court; and that any party in any writ, or the attorney

attorney of any party in any writ shall, upon request in writing signed by such party or his attorney, and upon payment of a fee of *Two Shillings and Sixpence*, to be applied towards defraying the official expenses, be furnished by the proper officer with a copy, certified by such officer to be a true copy of the entry in such return relating to any writ, but such return shall not be left open to public inspection in the said office.

And be it Enacted, That if the Sheriff of any county in Ireland, or his Under Sheriff, shall upon any writ for the levying of money, make a return of goods in hand to the full amount of the sum marked at the foot of the writ or process so returned, then such Sheriff or Under Sheriff shall, within *Four Days* after a rule being entered for that purpose, and served on the returning officer, or at the public office of such Sheriff, file an affidavit in the court out of which such writ shall issue, stating the reason why no sale has been made of such goods; and in case any such Sheriff or Under Sheriff shall on any such writ make a return of goods in hand to an amount less than the sum marked at the foot of the writ or process, then such Sheriff or Under Sheriff shall return a Schedule or Inventory of the goods seized, stating the appraised value thereof, for which goods the Sheriff shall be responsible; and such Sheriff or Under Sheriff shall, if required, by rule in manner aforesaid, in like manner file an affidavit, in which he shall refer to and verify such Schedule or Inventory, and shall further state, that no other goods of the defendant's against whom such writ or process shall have been issued, beyond those so seized and specified in such Schedule or Inventory, were to be found in his bailiwick, to his knowledge or belief, and the reason why no sale has been made of the goods so seized and specified; and in default of such Sheriff or Under Sheriff making and filing any such affidavit as aforesaid, or if any such writ shall issue to be satisfactory, such Sheriff shall and may, at the discretion of such court, be charged with and become liable to pay the full amount of the sum for which such execution issued, in like manner as if such sums had been duly levied.

9.
Proceedings
by Rule of
Court against
Sheriff
making re-
turn of Goods
in hand, in
Writs to levy,
if to the full
amount re-
quired to be
levied.

If to less than
the full
amount,

Sheriff made
charged to.

And be it Enacted, That in any case where any Sheriff shall return upon any writ of *fiat facias* that he has levied goods to an amount less than the sum marked on the foot of such writ, the plaintiff or plaintiffs in such writ may take out another writ of *fiat facias* directed to any coroner of the county, for the sum which shall remain due after applying the sum so levied to the discharge of the debt for which such writ shall have issued; and the coroner to whom such second writ shall be directed shall execute the same in like manner as the Sheriff ought to have done if such second writ had been directed

10.
Where Sher-
riff on *Fi-
at Facias* returns
a levy of less
than the
whole sum,
a second
Writ may
issue to the
Coroner.

directed to him, and shall be entitled to the same fees as the Sheriff.

Notice of
sale of Goods
under execu-
tion.

And be it Enacted, That in all cases where any goods shall be seized under execution by any Sheriff or Under Sheriff of any county in Ireland, public notice shall be forthwith given of the sale of such goods by such Sheriff or Under Sheriff, by advertisement stating the time and place of holding the sale of such goods; and the day to be named in such advertisement for holding such sale shall be some day not sooner than the *Sixth* clear day after the day of the seizure of the goods so advertised to be sold.

12.
Under Sheriffs
shall be paid
by Present-
ments of
Grand Jury
at each As-
sises for
County, or
presenting
Term in
Dublin
County.

AND whereas the duties discharged by Under Sheriffs in Ireland have considerably increased in number and importance, and the fees payable to such Under Sheriffs in civil cases are no longer an adequate compensation for the trouble and skill required for a due performance of such duties; BE it therefore Enacted, that from and after the passing of this Act it shall be lawful for the grand juries of the several counties in Ireland, and for the term grand jury of the county of Dublin, at each and every assizes or presenting term respectively, to present, and such grand juries are hereby required to present, to be raised and levied in and upon such counties respectively, the sum of _____ to be paid to the Under Sheriff of such county; which said sum shall be levied and raised in like manner as other monies authorized by law to be levied off such county, and shall be paid to such Under Sheriff in lieu of any salary to which such Under Sheriff may be by law entitled.

13.
Before pay-
ment, Certi-
ficate shall be
produced that
Presentment
is not traver-
sed.

Provided always, and be it Enacted, That no sum which shall be presented as the salary of the Under Sheriff of any county shall be paid or payable until it shall appear by certificate from the clerk of the Crown for such county that no traverse has been entered thereto, or that such traverse or traverses, if entered, has or have been disposed of in such a manner as not to disqualify such Under Sheriff from receiving such salary under the provisions hereinafter contained; and it shall and may be lawful for any person or persons to traverse any such presentment at the assizes at which the same shall be made, or at or previous to the assizes next following, or if in Dublin at the term, or at or previous to the presenting term next following that in which such presentments shall be made, on the ground of any misconduct or breach or neglect of duty of such Under Sheriff, such person or persons giving to such Under Sheriff _____ days previous notice of his or their intention so to traverse such presentment, and stating in such notice the instance or instances of alleged misconduct, or breach or neglect of duty upon which such person or persons intends or intend to found such traverse, and also entering into

Traverse may
be at the
same or en-
suing Assizes.

Causes of
Traverse.

into security by recognizance before any Justice or Justices of the Peace, in the sum of _____ pounds, and *Two* sureties in _____ each, conditioned to pay the costs attendant upon such traverse or traverses, if the same shall be found against such person or persons; and all such recognizances shall be returned by such Justice or Justices to the clerk of the Crown at the next assizes for the county, or at the next presenting term, as the case may be.

And be it Enacted, That where any such traverse shall be entered pursuant to such notice at any assizes or presenting term, it shall be lawful for the Judge of assize, or Her Majesty's Court of Queen's Bench, as the case may be, to order and direct such traverse to be tried and inquired of by a jury of the county in which such traverse shall take place; or it shall be lawful for such Judge of assize or court, if applied to for that purpose by the party or parties traversing, to order and direct such traverse to be tried in any other county which such Judge or court shall think proper; and in either case, every such traverse may be tried upon the entry of the presentment in the Crown book, and the traverse taken thereto, without making up any record, so as such entry be sufficient in substance, although it may be defective in form.

14.
Trial of such
Traverse;

Upon entry in
the Crown
Book.

And be it Enacted, That if upon the trial of any such traverse it shall be found by the jury that such Under Sheriff shall have been guilty of the misaduet or breach or neglect of duty upon the ground of which such traverse shall be made, and the court or Judge before whom such trial shall be had shall in open court, before the same is adjourned, certify under his or their hand or hands that he or they is or are satisfied with the verdict given upon such traverse, the money so presented shall not be paid over to such Under Sheriff, but the whole, or so much thereof as the Judge or court before whom such trial shall be had shall think reasonable, shall be paid to the person or persons traversing such presentment; and such part of such sum as shall not be paid to such traverser or traversers, shall be applied by the treasurer of the county, for the use and purposes of such county; and immediately after such trial shall be had, the clerk of the Crown for the county wherein such traverse shall be tried, shall transmit to the treasurer of the county wherein such presentment shall be made, a certificate under his hand of such verdict, and of the order of the Judge or court made thereon, which certificate shall be sufficient authority for such treasurer; and such treasurer is hereby directed and required to act in the premises according to such order.

15.
If Traverse
found against
Under Sheriff,
his half-year's
Salary, or any
part thereof,
shall be paid
to Traverser,
&c.

On Certificate
of Clerk of the
Crown to the
Treasurer of
the County.

And be it Enacted, That where such verdict shall be in favour of such traverser by reason of any wilful or corrupt breach of duty, the

16.
If Traverse
found against
Under Sheriff,

he shall forfeit his Presentment.

17.
First Traverser entitled to first position at Salary.

If Traverser found for Under Sheriff, no other shall be tried, except for a different offence, and Sheriff shall have his Costs if not otherwise directed by the Court.

18.
Entry of conditional fine on Sheriff for not returning of Writs delivered to the Sheriff, or his Under Sheriff, or in his Office.

Making Time absolute.

Remittal of Fines.

On neglect of returning of Writs within days after entry of fine, Sheriff shall be liable

the Under Sheriff against whom such verdict shall be given shall forfeit the sum so presented for him as aforesaid.

And be it Enacted, That in case more than one such traverse shall be entered at any assizes or presenting term, the person who shall first give notice to such Under Sheriff of his intention to enter such traverse shall be first entitled, by virtue of his traverse, to such portion of the sum presented for such Under Sheriff as may be awarded to the traverser or traversers in pursuance of this Act; and if any traverse shall be found for such Under Sheriff, no other traverse under this Act shall be allowed or received, except for some misconduct, or breach or neglect of duty, different from that whereon the traverse so found for such Under Sheriff shall have been founded; and in such case such Under Sheriff, unless the court shall otherwise direct, shall recover from such traverser or traversers all such costs and expenses as he shall be put to by reason of such traverse; and the recognizance which shall have been entered into by such traverser or traversers shall stand a security for the same, and shall and may be put in suit with the approbation of the Judge before whom such traverse shall be tried for the recovery of such costs and expenses.

And be it Enacted, That in case any Sheriff or Under Sheriff of any county in Ireland shall refuse or omit or neglect to cause any writ or other returnable process which shall have been received by him or in his office, with a return thereon, to be filed in the proper office of the court to or in which such writ or process shall have been returnable, a conditional fine shall and may, on the application of the plaintiff in such writ or process, be entered against such Sheriff or Under Sheriff in the proper office of the court in or to which such writ was made returnable, upon production of an affidavit of the delivery of such writ to such Sheriff, Under Sheriff, or any clerk in such Sheriff's office, or upon production to the proper officer of a certified copy of the entry appearing thereof in the Sheriff's book, or the return hereinbefore directed to be made into the office of the Prothonotary of the Court of Queen's Bench, in like manner as a conditional fine is or may be at present entered; and such conditional fine may be made absolute on an affidavit of the personal delivery of such writ to a Sheriff or Under Sheriff; and such fine, if made absolute, shall not be remitted or altered, unless by order of such court upon a special application made by such Sheriff or Under Sheriff, or by consent of the party causing such absolute fine to be entered; and in case any such Sheriff or Under Sheriff shall, notwithstanding the entry of such absolute fine, omit, refuse or neglect to cause any such writ or process to be so filed with a return thereon, within days after the entry of such absolute fine, such

such Sheriff or Under Sheriff shall be further liable to the party who shall have caused such writ to be delivered to such Sheriff or Under Sheriff, or into his office, in the full sum for which such writ shall have been marked, with interest for the same at the rate of *Six Pounds for every One hundred Pounds* by the year, from the period of such fine being made absolute until such money shall be paid; and such sum, with the interest thereof at the rate aforesaid, shall and may be recovered by action of debt or on the case, or by summary application to the court from which such writ shall have issued, at the option of the party aggrieved, with the full costs of such suit or suits or other proceeding as shall be instituted or taken for the recovery of the same.

to amount of sum marked on Writ delivered to him;

recoverable by Action on summary application to the Court in the Cause.

And be it Enacted, That if any Sheriff or Under Sheriff of any county in Ireland, or any clerk or other person employed or acting in the office of such Sheriff or Under Sheriff, or his returning officer, or any bailiff or other person authorized or employed by such Sheriff or under Sheriff to execute any writ or process, shall in any manner, directly or indirectly, inform or apprise any person or persons, being a defendant or defendants named in such writ or process, or against whom or against whose goods or property real or personal such writ or process shall have been issued, that such writ or process has been issued or has been delivered to or lodged with or in the office of such Sheriff or Under Sheriff, or has been delivered for execution thereof by such Sheriff or Under Sheriff, or is about to be executed, or shall give or cause or procure to be given to any such defendant or defendants any notice, intimation or information whatsoever, whereby such defendant or defendants or other person affected or to be affected by the execution of such writ or process may be or may be likely to be enabled or prepared to resist, evade, elude, counteract, or in any way defeat or delay the due or full execution of such writ or process according to the exigency thereof, every person so offending shall be liable to forfeit a sum not exceeding such penalty to be imposed by the court in or to which such writ or process shall be returnable, on summary application to such court by motion on behalf of the party or parties grieved, and the decision of such court with respect to such fine shall be final and conclusive to all intents and purposes; and in case any Under Sheriff, or any person in his employ, shall be guilty of such offence, the same shall be a good cause for traversing the presentment for the salary or allowance of such Under Sheriff in manner directed by this Act.

19. Penalty on Sheriff, &c. giving notice of Writs, &c. to Defendants.

Fine not exceeding to be imposed by the Court, on application of the Party grieved.

And be it Enacted, That in case of any sale under any execution against goods, it shall and may be lawful for the Sheriff or Under Sheriff by whom such goods shall have been seized, or the bailiff of such Sheriff or Under Sheriff, to act as auctioneer at such sale:

20. Goods may be sold under execution by Sheriff's Bailiff.

or by a
licensed
Auctioneer,
if required by
Plaintiff or
Defendant.

Provided nevertheless, That no Sheriff, Under Sheriff or bailiff, so acting, shall be thereby authorized or entitled to demand, receive or charge any fees for so acting, nor shall be thereby liable to any penalty for not being licensed to carry on the trade or business of an auctioneer: And provided also, That either party, plaintiff or 5
plaintiffs, or defendant or defendants, in such execution, shall be at liberty, if he or they shall so desire, to have such goods sold by a licensed auctioneer under the direction or control of such Sheriff or Under Sheriff, such party or parties paying or depositing with such Sheriff or Under Sheriff, at the time of making such requisition, the 10
poundage or fees of such licensed auctioneer, out of his or their own proper money, without any expense to the opposite party or parties in such execution.

21.
Sheriff's Fees,
on Copies ad
satisfaciendum
shall be
paid by Plain-
tiff, on dis-
charge of
Defendant.

And be it Enacted, That whenever it shall happen that, under or 15
by virtue of any writ of *copias ad satisfaciendum*, any defendant or defendants shall have been arrested and lodged in the county gaol or other lawful place of custody, or that after such arrest such defendant or defendants shall be discharged in consequence of having paid or 20
compromised with the plaintiff or plaintiffs in such writ, and the lawful poundage or fees of the Sheriff or Under Sheriff shall not have been paid by such defendant or defendants according to law, then and in such case, if upon demand made by such Sheriff or Under Sheriff, or any person on his behalf authorized, upon the plaintiff or 25
plaintiffs, for payment of the poundage or fee by law payable by such defendant or defendants upon or in respect of such writ, such plaintiff or plaintiffs shall refuse or neglect to pay such poundage or fee to such Sheriff or Under Sheriff, it shall and may be lawful for such Sheriff or Under Sheriff, upon summary application by motion made 30
in the cause in which such writ shall have issued, to the court out of which such writ shall have issued, to recover from such plaintiff or plaintiffs the amount of such poundage or other legal fees, together with the costs of such application, by an order of such court, such order to be enforced by attachment.

Recoverable
from Plaintiff,
by Order of
Court, to be
enforced by
Attachment.

22.
Returns of
Rescue shall
be verified by
Affidavit of
Sheriff, &c.,
and he shall
not be entitled
to any Fees
thereon.

And be it Enacted, That in all cases in which any Sheriff or Under Sheriff shall return a rescue to any writ affecting the person of a 35
defendant, and to which a return of rescue may lawfully be made, such Sheriff or Under Sheriff shall make an affidavit verifying such return, and stating the circumstances of such rescue, and the person or persons, if known, by whom such rescue was effected, and that such rescue was made without any collusion between such Sheriff or 40
Under Sheriff and the defendant so returned as rescued, and to the best of his belief without any collusion between his bailiff and such defendant; and whenever any return of rescue shall be made, the Sheriff or Under Sheriff shall not be entitled to, nor shall receive any, fees

foes or emoluments as for the execution of the writ in which such return shall be made.

And be it Enacted, That in all cases in which any distress shall be made and a Sheriff's replevin shall issue to restore the possession of the goods or chattels so distrained, and in which a second distress shall have been made of the same goods for the same demand, the Sheriff or Under Sheriff of the county within which such second distress shall be made shall be at liberty to grant a warrant, which shall have the force and effect of a writ of re-captation to all intents and purposes, and so toties quoties as often as the same goods shall be distrained for the same demand.

23.
In cases of second distress after Replevin, Sheriff may issue warrant of re-captation.

And be it Enacted, That no Sheriff or Under Sheriff of any county in Ireland shall, during the time he shall continue to act as such Sheriff or Under Sheriff, in any manner act as land-agent for any person or persons whomsoever, nor shall act or practise as an attorney of any court or as a solicitor, either in his own name or that of any other person, nor shall have any partnership with any person so acting or practising, nor shall derive any emolument, benefit or advantage from the carrying on of any such agency, or the business of an attorney or solicitor, on pain of forfeiting for every such offence the sum of _____ to be recovered by information in any of Her Majesty's superior courts of record in Dublin, by and in the name of Her Majesty's Attorney or Solicitor General; such penalty to be paid to Her Majesty, Her heirs and successors.

24.
Sheriff or Under Sheriff shall not be a Land Agent, or Attorney or Solicitor.

AND whereas by an Act passed in the Parliament of Ireland in the tenth year of the reign of King CHARLES the First, intituled, "An Act for ease in pleading against troublesome and contentious Suits prosecuted against Sheriffs, Justices of Peace, Mayors, Constables and certain other Officers, for the lawful Execution of their Offices," it is enacted, that if any action, bill, plaint or suit upon the case, trespass, battery or false imprisonment, shall be brought after the time therein mentioned, against any Sheriff, for or concerning any matter, cause or thing therein specified, the said action, bill, plaint or suit shall be laid within the county where the trespass or fact shall be done and committed, and not elsewhere; BE it Enacted, That any person bringing an action against any Sheriff or Under Sheriff of any county or county of a city or town in Ireland, for or in respect of any act, neglect, omission, matter or thing relating to the office of such Sheriff or Under Sheriff, shall be at liberty to lay the venue in such action either in the county in which the alleged injury or fact shall have been done or committed, or in any next adjoining county, at his option, and not otherwise; any thing in the said in part recited Act to the contrary in anywise notwithstanding.

25.
Actions against Sheriffs may be laid in the proper County, or in any adjoining one.

Irish Act.
10 Car. 1.
stat. 2, c. 16.

26.
Inquisitions
shall not be
returned by
Sheriffs with-
out Verdict
of a Jury.

And be it Enacted, That no Sheriff or Under Sheriff of any county in Ireland, shall return, or cause or procure to be returned, any inquisition upon any writ requiring such inquisition, without first impanneling and swearing a jury for the purpose of taking such inquisition; and that in case any such Sheriff or Under Sheriff shall return an inquisition upon any such writ without having the previous authority of the verdict of a jury impannelled and sworn for that purpose, such Sheriff or Under Sheriff, for every such inquisition so returned without the verdict of a jury, shall be subject to a penalty of to be recovered on a summary application, by way of motion, to the court out of which such writ shall have issued, and the order of such court shall be enforced by attachment.

27.
Fees of Sheriff
and Under
Sheriff shall
be taken ac-
cording to
Table an-
nexed, in
lieu of all
others.

And be it Enacted, That in lieu of all Fees and Gratitudes heretofore demanded, taken or accepted in the office of Sheriff or Under Sheriff in the several counties in Ireland, by any person or persons employed in discharging the duties of that office, or any of them, the Fees specified in the Table annexed to this Act shall be established, and be deemed and taken as the lawful fees and emoluments for the discharge of the several duties therein specified; and that if any further or greater or additional fee, gratuity, emolument or other consideration, for any of the services therein specified, shall be demanded, taken or received, or agreed to be taken by any Sheriff or Under Sheriff, or by any person belonging to or employed in the office of Sheriff or Under Sheriff of any county in Ireland, such person shall forfeit for each and every such offence the sum of £100 and shall also be disabled and disqualified from ever acting in any office under Her Majesty, Her heirs or successors; and any person or persons knowingly paying, promising or offering any further greater or additional fee, gratuity or emolument, or other consideration, to any Sheriff or Under Sheriff, or any other person belonging to or employed in his office, for any of the services therein specified, or on account of any matter connected therewith, shall be subject to a penalty of £100 for each and every such offence, to be recovered by action of debt, bill, plaint or information in any of Her Majesty's courts of record in Dublin, with costs of suit, by any person or persons who shall sue for the same.

28.
Fees shall be-
long to the
Sheriff, who
shall thereon
provide for
the execution
of his office.

Provided always, and be it Enacted, That all the Fees so established and specified in the said Table annexed to this Act, shall be and be considered the Fees of the Sheriff alone in each county, who shall out of the produce of such fees make provision for payment of the several persons employed to execute the duties of his office, and for the disbursements and expenses necessary for the due execution thereof.

And

And be it Enacted, That a fair and legible Table of the Fees and Emoluments so established shall be at all times exposed in some conspicuous part of the office of the Sheriff of each county; and that on proof made on summary application to any of Her Majesty's superior courts of record, of any neglect or omission of such exposure, the Sheriff or Under Sheriff so neglecting shall for each such omission be liable to a penalty of _____ to be imposed by order of such court.

29.
Table of Fees
shall be ex-
posed in
Sheriff's
Office.

And be it Enacted, That if any person shall wilfully swear falsely in any of the affidavits hereinbefore directed to be made and taken, such person shall be deemed guilty of *Perjury*, and shall be subject to the pains and penalties imposed by law on wilful and corrupt perjury.

30.
Penalty of
Perjury as
before, &c.

TABLE OF FEES.

Table, N° 1.

A LIST of all FEES to be taken for the Duties to be discharged in the Office of Sheriff in Counties at large.

	£.	s.	d.
FOR executing a writ of Capias ad respondendum, Capias quo minus, or attachment for contempt, from any court of equity:—			
If arrest effected within ten miles of the Sheriff's office	1	1	—
If more than ten miles from the Sheriff's office, for every mile after the first ten additional, fee per mile of	—	1	—
For granting a special warrant on any writ of Capias ad respondendum, Capias quo minus, or attachment for contempt, at the peril of the person delivering such writ, including preparing and taking indemnity	1	1	—
For taking bail for a defendant arrested under a writ of Capias ad respondendum, or Capias quo minus, or attachment, preparing and furnishing bail bond, and discharging defendant	1	1	—
For receiving deposit of sum marked at foot of writ, from a defendant arrested, and discharging defendant under the provisions of 43 Geo. 3, c. 46, s. 2	—	10	—
For making proclamations of outlawry, returning the process with affidavits of the proclamations, including the preparing and swearing such affidavits	1	10	—
If the Sheriff is required to have such writ or proclamation served, then in addition	—	10	—
For executing and returning a summons against a peer, or person having privilege	—	6	8
For executing and returning a writ of Distringas against same, to compel an appearance	—	6	8
For a summons on any original writ, and returning the writ	—	6	8
For executing a Chancery replevin, preparing, furnishing and taking bail bond	1	1	—
Copy of re-captation with Sheriff's signature	—	6	8
If more than one copy required, for each additional copy	—	3	4
For granting a Sheriff's replevin, taking bail thereon, and preparing and furnishing bail bond	1	1	—
For issuing a warrant in the nature of a recaption	—	6	8
For returning a writ of Recordari facias loquelam	—	6	8
For each person summoned on a Seire facias	—	2	—
For returning a writ of Venire, with a panel annexed	—	6	8
For returning a grand panel to strike a special jury	3	3	—
For executing a writ of Distringas juratores, or Habeas corpus, to be paid on delivering the writ:—			
If common jury	—	6	8
If special jury	1	1	—
For summoning a jury and holding a view pursuant to a writ of Distringas juratores, a further fee of	2	2	—

For executing and returning writs of inquiry of damages, writs of Elegit capias utlagatum, or other writ requiring the Sheriff to hold an inquisition, exclusive of Twelve shillings to the jury - - - - -	£. s. d. 1 6 8
In case either party shall desire to have an assessor, his fee to be paid by the party so desiring his assistance, or, if both parties concur, share and share alike.	
For executing any writ of Capias ad satisfaciendum, Fieri facias, Elegit, or other writ where hody, goods or chattels are taken in execution at the suit of the subject :-	
For the first One hundred pounds, per pound - - - - -	- 1 -
For every pound after the first One hundred pounds - - - - -	- - 6
For executing a writ of Levavi, or extent, at the suit of the Crown :-	
If by inquisition, exclusive of Twelve shillings to the jury - - - - -	1 6 8
If by levy on goods, or by arrest, for the first One hundred pounds, per pound - - - - -	- 1 -
For every pound after - - - - -	- - 6
For executing a writ of Habere facias, Possessionem, injunction, writ of restitution, or other writ requiring possession of lands or premises to be given :-	
If the premises shall not be distant more than ten miles from the Sheriff's office - - - - -	2 10 -
If more than ten miles, for every additional ten miles, or fractional part thereof - - - - -	- 5 -
For granting a special warrant to give possession, under a writ of Habere, injunction, or writ of restitution, &c. -	2 10 -
For executing a deed of sale of chattels real sold by the Sheriff, provided that no fee be charged for the Sheriff's counsel or agent for perusing the deed; if such fee be charged, the sheriff to execute the deed without any fee - - - - -	2 2 - 2 10 -
For executing judgment in dower - - - - -	- 13 4
For executing a writ of Retorn habend - - - - -	
For granting a warrant on a Capias in a criminal case, and preparing and taking indemnity - - - - -	1 1 -
For signing a special warrant on a Civil bill decree - - - - -	- 1 -
For taking an Appeal to a Civil bill decree, and certificate thereof - - - - -	- 6 8
For executing a Civil bill ejectment decree, if required by the plaintiff or plaintiffs to be executed by the Sheriff in person :-	
If the premises be not more than ten miles distant from Sheriff's office - - - - -	2 10 -
If more than ten miles, for every additional ten miles or fractional part thereof - - - - -	- 5 -
For signing a special warrant on a Civil bill ejectment decree - - - - -	- 1 -
For a search in the Sheriff's office - - - - -	- 3 4
For conveying prisoner under a writ of Habens corpus, per mile - - - - -	- 1 -
For each keeper (not exceeding three) who shall be actually employed by a Sheriff or Sub Sheriff in the custody of goods seized under execution, per day -	- 2 6